

**Feedback from the Gambling Act 2005 “Revised Statement of Licensing Principles for the Gambling Policy”**

**Local Authority: Sevenoaks District Council**

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
<p><b>John Liddle, Director of Development, Coral Racing Limited</b></p>	<p>Within Section 6 (page 9 &amp; 10) it identifies a range of premises which by their inclusion, may suggest that applications near to such locations could be deemed high risk. Notably; schools, sixth form colleges, youth centres, hostels and support services for vulnerable people and similar venues, Whilst the narrative of the document correctly indicates ‘the Licensing Authority does not have the evidence that there are specific risks at the moment,’ it is suitable to feedback our advice. Coral knows of no evidence that the location of a licensed betting office within the proximity of the aforementioned causes harm to the licensing objectives. It involves a four-fold suggestion that a) those using such facilities are inherently problem gamblers, b) that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, c) that if they do, that they are more likely to engage in problem gambling, and d) that the protective mechanisms arising from the Licence Conditions and Codes of Practice are insufficient to mitigate the risk. There is no evidence for any</p>	<p>It is the Licensing Authorities’ duty to ensure that the three licensing objectives are upheld. These objectives underpin the whole of the Gambling Act 2005 and we must have regard to these when determining applications. As mentioned in the draft policy the Licensing Authority does not have the evidence that there are specific issues at the moment but we would expect operators to include the above factors when carrying out risk assessments to ensure that young children and vulnerable groups are protected.</p> <p>Nowhere in the policy have propositions been made to suggest</p>			

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	<p>of these propositions.</p> <p>Coral knows of no evidence that children coming from schools are gaining access to betting offices. Coral’s general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems..... Coral’s experience is that, through all it does, it achieves an exemplary degree of compliance, and attracts negligible evidence of regularly harm. Through the additional local risk assessment to be introduced with future premises licence applications from April 2016, Coral believe that these should be a) to assess specific <u>risks</u> to the licensing objectives in the local area, and b) to assess whether <u>control measures</u> going beyond standard control measures are needed. In other words, there should be no requirement to list the locations that are currently stated (as there is no</p>	<p>that those using such facilities are inherently problem gamblers, that having visited such facilities, users are more likely to visit a betting office than if they had not used such facilities, that if they do, they are more likely to engage in problem gambling, and that the protective mechanisms arising from the licence conditions and or codes of practice are insufficient to mitigate the risk.</p> <p>The Licensing Authority is not suggesting that there is any evidence to suggest that school children are gaining access to betting offices within the district and those offices that have been visited have robust procedures in place to deal with any potential</p>			

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	<p>evidence that this is a link between such venues and a betting office), however notwithstanding this, such locations would be automatically be included with the operators risk assessment submitted when the application is considered.</p>	<p>underage activity. However, it is the duty of the Licensing Authority to ensure that young and vulnerable people are protected and that the relevant Licensing Objective has been considered.</p> <p>As per the draft guidance the locations listed can be taken into account by the Licensing Authority in assessing local area profiles.</p> <p>Members may wish to remove the list on pages 9/10 of the policy.</p>			
<p>Lauren Hilton Association of British Bookmakers Ltd.</p>	<p>....There is no evidence that proximity of young or vulnerable people to a betting premises would impact the ability of the shop to uphold the licensing objectives. This is because all operators already have strict policies and procedures in place to prevent the access of under-age people to the premises and to ensure</p>				

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	<p>the protection of vulnerable people. The mere increased proximity of either of those groups to the premises would not affect this.</p> <p>We therefore object to the list of locations included on page 9/10, which would suggest these would be high risk areas for betting premises to be located in. However, as set out above, there is no empirical evidence this is the case and they should not be a factor when considering licensing applications....</p> <p>....Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.</p> <p>Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory</p>	<p>As per the draft guidance the locations listed can be taken into account by the Licensing Authority in assessing local area profiles.</p> <p>It is not the intention of the Licensing Authority to increase regulatory burden and we ensure that we will be proportionate when dealing with gambling premises and only intervene when necessary.</p> <p>Members may wish to remove the list on pages 9/10 of the policy.</p>			

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	<p>compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.</p>				
<p>Grainne Hurst, Corporate Affairs Director, Ladbrokes PLC</p>	<p>It is important that any changes or additional conditions are evidence based and as a result, deemed to have a real impact on the ability of betting operators to uphold any or all of the three licensing conditions. Such a list of factors, based on opinion rather than fact, and therefore open to interpretation in many different ways could result in an inconsistent licensing regime.</p> <p>Operators already take certain factors into consideration to ensure compliance with the licensing objectives, both in relation to new applications and existing licensed premises, and therefore it should be, as it is now, a matter for the local operator to decide how this is determined and what should be included. This being the case, only local risks that are evidence based, would be included in the risk</p>	<p>It is not the intention of the Licensing Authority to increase regulatory burden and we ensure that we will be proportionate when adding additional conditions and these would only be added in order to promote the Licensing objectives.</p> <p>As per the draft guidance the locations listed can be taken into account by the Licensing Authority in assessing local area profiles.</p> <p>Members may wish to remove the list on pages 9/10 of the policy.</p>			

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	<p>assessment. We would therefore caution against the inclusion of certain named categories which operators are prescribed to take into account by the local authority, including educational establishments and general levels of crime.</p> <p>It is important to note that betting shops are often the victims of crime rather than a source of crime (burglaries, robberies etc.). However, as a responsible business we would consider the existing levels of gambling and betting related crimes as well as the measures we can take to mitigate this risk before applying for a local licence. It is unclear and we would expect that other general levels of crime would not affect a licencing application.</p> <p>Instead, each case should be considered on its own merits and therefore we would caution against general statements that gambling premises should automatically face a higher burden of proof in these areas. Without any clear requirements in the revised licencing policy statements that additional licence conditions should be accompanied by robust evidence, this process could lead to</p>				

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	<p>unintended consequences and local shop closures and job losses.</p> <p>Security and health and safety risk assessments already detail control measures in this area which are effective in tackling these issues. Similarly, we do not accept the premise that the proximity of young people to betting shops should be regarded as an additional risk. We have strict policies and procedures in place to ensure that only those who are eligible to bet can do so. We have also invested in colleague training for the Challenge 21 policy, whereby any new customer who does not look old enough to bet is asked to provide identification. If official age verification is not provided, the customer will be asked to leave the premises. Ladbrokes also has a Primary Authority Partnership for age-restricted products.</p> <p>There is a clear, existing process in place for interested parties or responsible authorities to make representations and we would therefore caution against statements of theoretical risk without any evidence to support the argument.</p>	<p>Each application received by the Local Authority is always considered on its own individual merits when determining that application.</p>			

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Councillor Cameron Clark	<p>I am wondering how this will work in New Ash Green where constitutionally the Village Association has one ‘member’ from each of the 24 residential neighbourhoods plus a number of consultant members. None of these will necessarily live close to any potential licensed premises. Nevertheless the Village Association does represent the interests of all residents and people would be very concerned if the Association was excluded from making representations by this criterion.</p> <p>Small grammatical amendments sent through on Policy</p>	Like Parish Councils, the Village Association represents the residents and therefore would be able to submit representations for consideration.		11/09/2015 amendments made.	

Councillor Elser and Councillor McGarvey have sent either no adverse or favourable comments regarding the contents of the Policy.